



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,310	12/03/2001	Bruce K. Daniels	16159.026001; P6937	2807

32615 7590 09/08/2005

OSHA LIANG L.L.P./SUN
1221 MCKINNEY, SUITE 2800
HOUSTON, TX 77010

EXAMINER

SHAH, KAMINI S

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

3

Office Action Summary	Application No.	Applicant(s)	
	10/006,310	DANIELS ET AL.	
	Examiner	Art Unit	
	Kamini S. Shah	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments, see remarks, filed 06/20/05, with respect to the rejection(s) of claim(s) 1 and 11 under 35 USC 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of WO 00/058853.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over 6,226,690 (Banda) in view of WO 00/058853.

Regarding to claimed invention of claims 1 and 11, Banda et al teaches a distribution system having a client and server as in figure 5B, comprising:

- A state manager interposed between the client and the server, having capability to generate a list of data attributes required to represent a state of an application in the distributed system (i.e., distributed SOM object manager responsible for locating serves according to various attributes specified by the client, col. 6, lines 52-62), and cache the plurality of data attributes to be locally accessible by the client (i.e., object class on col. 6, lines 60-63);
- A service component interposed between the state manager and the server having capability to fetch data from the server based on the list of plurality of data attributes (i.e., SOMD_ObjMgr for fetching a desired object by a SOMDFindAnyServerBy Class call, see col. 6, lines 63-67 and col. 7, lines 1-10).

Banda relates to the system wherein the data comprises an object, which use a transport mechanism, which packages the data, however, not clear regarding to a state of application in the distributed system as claimed. WO 00/058853 discloses client-server system, which is running various application programs as in figure 2. It also includes number of different objects on the client computers 202, 205 and their relationship to the corresponding objects on the server 206. It would have been obvious to one of the ordinary skill in the art at the time of invention to combine teaching of the state of application as in steps 422 and 424 in figure 4, with Banda because its not only locate a server in order to obtain functions, but also addresses the applications and

caches on the other system clients which have the same object attribute and would be affected by the change, see page 3, lines 22-28.

Regarding claims 2 and 12, a transport mechanism interposed between the state manager and the service component (i.e., SOMDClinetProxy, which allows general-purpose dispatch mechanism, see col. 7, lines 16-31.

Regarding claims 3-7, and 13-16 wherein the state manager comprises means for learning data attributes (i.e., step 510, figure 6), means for creating a proxy for data in the server (i.e., step 380, fig 5A), means for tracking changes made to attributes cached in the proxy (i.e., step 520, fig. 6), and means for generating a list of attributes changed in the proxy (i.e., step 520, fig. 6).

Regarding claim 11, Banda et al teaches a distribution system having a client and server as in figure 5B, comprising:

- A client portion that generates a list of attributes of remote data to represent a state of the application (i.e., distributed SOM object manager responsible for locating serves according to various attributes specified by the client, col. 6, lines 52-62), and capability to cache data attributes from the remote data (i.e., object class on col. 6, lines 60-63);

- A server portion that fetches attributes from the remote data (i.e., SOMD_ObjMgr for fetching a desired object by a SOMDFindAnyServerBy Class call, see col. 6, lines 63-67 and col. 7, lines 1-10).

Regarding claims 8,9, 10, 17, 18 and 19, wherein the state manager further comprises means for generating an executable instruction to be executed on the server (i.e., step 520 the SOMD_ObjMgr issues a query for server for executing instructions to obtain desired object, see col. 8, lines 40-55.

5. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Banda in view of WO 00/058853 as applied to claim 1 and further in view of US. Patent 5,925,100 (Drewry).

The combination of Banda and WO/ 00/058853 determines the attributes required to represent the server data and also means for fetching the data, but does not include the prefetching data. However, Drewry describes predicting and prefetching objects to the local representation based on "primitives", see figures 5 and 6. It would have been obvious to combine the prefetching objects as taught in Drewry into the combination of Banda and WO 00/058853 for simplifying task, see col. 11, lines 21-col. 12, line 35.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamini S. Shah whose telephone number is 571-272-2279. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B. Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/006,310
Art Unit: 2142

Page 7

A handwritten signature in black ink, appearing to read 'Kamini S Shah', written in a cursive style.

Kamini S Shah
Primary Examiner
Art Unit 2142

kss